

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
TIMOTHY KELLER MESSNER	:	
Debtor/Movant	:	
	:	
	:	
TIMOTHY KELLER MESSNER	:	
Debtor/Movant	:	
	:	
	:	
v.	:	
	:	
JACK N. ZAHAROPOULOS, ESQUIRE	:	
STANDING CHAPTER 13 TRUSTEE	:	
Respondent	:	Case No. 1:18-bk-05007

TRUSTEE'S OBJECTION TO DEBTOR'S  
MOTION TO SELL PROPERTY OF THE ESTATE

AND NOW, this 1<sup>st</sup> day of November, 2022, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney, Douglas R. Roeder, and responds to Debtor's Motion to Sell Property of the Estate as follows:

1. Respondent Jack N. Zaharopoulos is the duly appointed Trustee for this case.
2. Trustee does not object to the sale of Debtor's real estate as set forth in the Motion; Trustee objects, however, to the proposed distribution.
3. Trustee objects to Paragraph 2 of Debtor's Motion because it does not propose to pay any and all liens and mortgages against the real estate in full prior to distributing funds to the Debtor and/or to the Trustee.
4. Trustee further objects to Paragraph 2 of Debtor's Motion because Debtor is not entitled to receive an estimated \$34,663.90 in sale proceeds where Debtor has not claimed any exemption in real estate under §522(d)(1).

5. Trustee further objects to Paragraph 2 of Debtor's Motion because it fails to distribute the net proceeds of the sale, up to the amount necessary to pay all remaining allowed unsecured claims to the Trustee. Trustee notes that a payoff balance of approximately \$33,424.64 is needed to pay all claims, in full, as of the date of this Objection.

WHEREFORE, your Trustee respectfully requests your Honorable Court to approve the sale as requested in debtor's motion and order that payment of the proceeds of the sale be made in accordance with the Objection set forth above.

Respectfully submitted,

Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717)566-6097

BY: /s/Douglas R. Roeder  
Attorney for Trustee  
[droeder@pamd13trustee.com](mailto:droeder@pamd13trustee.com)

CERTIFICATE OF SERVICE

AND NOW, this 1<sup>st</sup> day of November, 2022, I hereby certify that I have served the within Objection electronically notifying parties or by depositing a true and correct copy of the same in the United States mail, first class, postage prepaid and addressed as follows:

Nicholas Platt, Esquire  
230 York Street  
Hanover, PA 17331

/s/Deborah A. Behney  
Office of Jack N. Zaharopoulos  
Standing Chapter 13 Trustee

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TIMOTHY KELLER MESSNER	: <b>Chapter 13</b>
<b>Debtor/Movant,</b>	:
	: <b>Case No. 1:18-bk-05007</b>
	:
	: <b>Matter:</b> Motion to Sell
	: Property of the Estate
TIMOTHY KELLER MESSNER,	:
<b>Debtor/Movant</b>	:
	:
v.	:
	:
JACK N. ZAHAROPOULOS, ESQUIRE	:
STANDING CHAPTER 13 TRSUTEE	:
<b>Respondent</b>	:

**ORDER**

UPON CONSIDERATION of the Debtor's Motion to Sell Property of the Estate,  
which was filed October 21, 2022, payment of the proceeds of the sale or real property shall  
hereby be paid as follows:

1. Rushmore Loan Management Services will be paid in full to a proper payoff quote at the time of closing;
2. Any other liens against the real estate being sold will be paid in full to a proper payoff quote at the time of closing;
3. All Attorney's fees and closing costs associated with the closing shall be paid in full;
4. All remaining proceeds of the sale will go to Jack N. Zaharopoulos, Chapter 13 Trustee to be applied towards the currently confirmed plan. Any amounts above the base amount received shall be applied as an additional dividend to unsecured creditors. The remaining proceeds shall be mailed to:

Jack N. Zaharopoulos  
Chapter 13 Trustee

PO Box 6008  
Memphis, TN 38101-6008

The Court finds that the Debtors Motion is GRANTED. The Debtors are authorized to sell property of the estate in accordance with this Order.

IT IS SO ORDERED